

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

D.H.,

*Plaintiff,*

v.

WILLIAMSON COUNTY  
BOARD OF EDUCATION, *et al.*,

*Defendants.*

Case No. 3:22-cv-00570

District Judge William L. Campbell, Jr.

Magistrate Judge Jeffery S. Frensley

**THE DEPARTMENT AND COMMISSIONER OF EDUCATION'S  
MOTION TO STAY DISCOVERY**

Pursuant to this Court's inherent authority to conserve "time and effort for itself, . . . counsel, and . . . litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936), Defendant Tennessee Department of Education and Defendant Penny Schwinn, in her official capacity as Commissioner of the Department of Education, move for an order from this Court staying discovery until the Court has resolved the pending motions for preliminary relief, D.E. 5, and dismissal, D.E. 46, D.E. 48. As the arguments and authorities set out in the accompanying Brief demonstrate, a discovery stay is warranted because a resolution of the parties' many legal disputes will "streamline litigation" by crystalizing the issues and "dispensing with needless . . . factfinding." *Neitzke v. Williams*, 490 U.S. 319, 319 (1989). If discovery proceeds in the shadow of those disputes, it may needlessly "exact[] heavy costs in terms of efficiency and expenditure of valuable time and

resources that might otherwise be directed to the proper execution of the work of the Government.”  
*Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009). The Court should thus stay discovery until the pending substantive motions have been resolved.

Pursuant to Local Rule 7.01, counsel for the Department and Commissioner has conferred with all parties regarding the filing of this motion. Defendants Williamson County School Board and its Director consent to the motion. Plaintiff D.H. opposes the motion.

Dated: October 31, 2022

Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

I certify that I filed the above document using the Court's CM/ECF system on October 31, 2022, which electronically served a copy to all counsel of record, namely:

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